

CIVIL SERVICE  
**news**

U.S. CIVIL SERVICE COMMISSION

news unit

Washington, D.C.  
20415

telephone: 632-5491  
room 5354/1900 E St., N.W.

**FOR RELEASE:**

ADVANCE FOR FRIDAY AFTERNOON NEWSPAPERS, NOVEMBER 3,  
NOT TO BE USED BY PRESS, RADIO, OR TV BEFORE  
6:30 A.M., EST, FRIDAY, NOVEMBER 3, 1972.

The U. S. Civil Service Commission has taken a further step to implement the Equal Employment Opportunity Act of 1972 (P.L. 92-261) with the issuance of revised regulations covering EEO programs in Federal employment. The new regulations further strengthen the Federal Government's system for processing complaints of employment discrimination based on race, color, religion, sex, and national origin.

The regulations are designed to speed final decisions in processing discrimination complaints, to assure due process in complaints procedures, and to make injured parties whole by retroactive appointment or promotion and back pay in cases where discrimination is found.

The regulations become effective December 1, 1972, with the exception of those sections covering remedial action, including back pay, which are retroactive to March 24, 1972, the date President Nixon signed the Act.

Major changes in the regulations include:

- Emphasis on affirmative action aspects of agency EEO programs, including requirements for submission of national and regional EEO plans for CSC approval. Agency national plans are currently being reviewed in CSC headquarters, and review of regional plans will begin December 1 in regional CSC offices.
- Agencies must designate a Federal Women's Program Coordinator to advise the Director of EEO on matters affecting the employment and advancement of women.
- Agencies must now make reasonable accommodation to the religious needs of applicants and employees (including those who observe the Sabbath on other than Sunday) when the accommodation can be made without hardship to the business of the agency.

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- Agencies must take steps to assure that all complaints are resolved within 180 days of filing. If a decision on the complaint has not been made within 75 days of filing and the Civil Service Commission has not been requested to supply a complaints examiner within that period of time, the CSC may assume responsibility for processing the complaint.
- Expedited procedures are provided for action on complaints of coercion or reprisal by a complainant, his representative, or by a witness.
- Where an agency has failed to issue a final decision within 180 days of filing of the complaint, the recommendation for a finding of discrimination by a CSC complaints examiner will become the final decision of discrimination binding on the agency 30 days after the recommendation is made.
- Agencies will be required to investigate discrimination complaints brought by third parties or organizations and to prepare a file on the matter. If the third party complainant is dissatisfied with the agency's actions, a request may be made for a review by the Civil Service Commission, which may order remedial action including retroactive promotion and back pay.
- Agencies must take remedial action, with or without back pay, upon a finding of discrimination and must determine whether disciplinary action against an official should be taken.
- Complainants must be notified of their rights under the complaint procedures and the time limits that apply, including the right to file a civil action in an appropriate U. S. District Court.

If an applicant has been denied employment because of discrimination, the agency must offer him employment at the title and grade denied him. The appointment is to be retroactive to the date the applicant would have been hired, and back pay is to be awarded from the beginning of the retroactive period. When it is determined that an employee was discriminated against and denied a promotion or other employment benefit, agencies must take similar remedial action, including back pay where appropriate. The appointment and the back pay awards may extend to a period 2 years prior to the date the complaint was filed.

In cases involving promotion, where there is a finding of discrimination and it cannot be determined that the complainant would have been promoted but for the discrimination, the complainant must be given priority consideration for promotion to a position for which he is qualified. If he is not selected for promotion after priority consideration, the agency must record the reasons for such non-selection.

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Similar priority consideration must be given to an applicant where there is a finding of discrimination but no reasonable certainty that he would have been hired.

In addition to notifying appropriate EEO officials of the revised regulations, agencies must review their entire complaint processing system to assure that all complaints will receive a final decision within 6 months of filing. Immediate action must be taken to clear all cases over 180 days old.

In accordance with the requirements of P.L. 92-261, the regulations were adopted after consultation with minority and civil right organizations, women's groups, labor organizations and Federal agencies.

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